

REMARKS

Claims 1-20 were originally presented in the application. By this amendment, claim 14 is cancelled, claims 1, 2, 10, 15 and 16 are amended and claims 20-21 are added. It is respectfully submitted that the pending claims define allowable subject matter.

Claim 2 is amended to correct a minor typographical error, changing "removable" to read "removably". Such amendment is believed to correct an informality and does not otherwise affect or narrow the claim element with respect to patentability. Therefore, Applicant believes that this amendment does not create prosecution history estoppel with respect to these claim elements and further does not affect the range of equivalents with respect thereto.

Claims 1-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Forbes, U.S. Patent No. 5,261,554 ("*Forbes*"). Applicant traverses this rejection and respectfully submits that the pending claims are allowable.

It is well established that anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. As such, for an anticipation rejection, all of the elements and limitations of the claim must be found within a single prior art reference. It does not appear that all of the elements and limitations of the pending claims are found within *Forbes*.

The Office Action provides that "regarding claims 1-10, see Figs. 1 and 2 where the claimed structure is shown. The tab is 24 and the slot is in 13 which receives the tab 24. Regarding claims 10 and 13, the container is capable of transporting plants and 20 is the handle ... Regarding claim 16-20, the second tab is the end of strap 20 which is labeled as item 21 and goes through the second slit." (Office Action, page 2, lines 9-15) Applicant traverses this rejection. With respect to claims 1-9, Applicant submits that the reference does not disclose "a carrying member comprised of a thermoformed material connected to said container portion" as recited by amended claim 1 among other features. The reference appears to disclose a woven strap (See Fig. 1). The prior art reference does not disclose each element of the claim under consideration, and thus

amended claim 1 is allowable. Claims 2-9 depend from amended claim 1, recite additional features thereto, and are therefore allowable.

With respect to claims 10-13 and 15, *Forbes* discloses a “clip receptacle 13 is also molded into each of the collars 7 at the outside flange 10 and includes receptacle slot 13a for receiving the flexible, spaced clip fingers 25 of a clip 24, which is attached to one end of the strap 20.” (*Forbes*, col. 3, lines 45-49) Applicant submits that the reference does not disclose “a generally tubular housing having opposing first and second ends, said housing defining at least first and second slits extending radially through said housing proximate said first and second ends” in combination with “a handle removably connected to said housing and threaded through said first and second slits proximate said first and second ends” as recited by amended claim 10, among other features. The prior art reference does not disclose each element of the claim under consideration, and thus amended claim 10 is believed allowable. Claims 11-13 and 15 depend from amended claim 10, recite additional features thereto, and are therefore allowable.

With respect to claims 16-20, *Forbes* discloses “strap 20 is configured to define a strap loop 21...” (*Forbes*, col. 4, lines 6-7) Applicant submits that the reference does not disclose a “generally tubular housing having opposing first and second ends and an inner surface defining a chamber, said housing defining two slits extending radially through said housing proximate said first and second ends” as recited by claim 16, among other features. The prior art reference does not disclose each element of the claim under consideration, and thus amended claim 16 is believed allowable. Claims 17-20 depend from amended claim 16, recite additional features thereto, and are allowable therefore.

New claims 21–22 are added. New claims 21-22 depend from amended claim 1, recite additional features thereto and are allowable therefore.

In view of the foregoing, it is respectfully submitted that the pending claims define allowable subject matter. Reconsideration and allowance is respectfully requested.

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Reply to Office Action of October 5, 2004

The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

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Respectfully submitted,



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